

DETAILED ACTION

Allowable Subject Matter

The indicated allowability of claims 1-10, 12, and 20-29 is withdrawn in view of the newly discovered reference(s) to US 20040246930 A1. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 13, 15, and 17-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 13 claims an article for which no definition is provided either by the specification or additional claim language.

Claims 15 and 17-19 are rejected by virtue of their dependency on claim 13.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1, 12, 20, 23, 24, and 26** are rejected under 35 U.S.C. 102(e) as being anticipated by Chen (US 20020151290 A1), hereafter "Chen."

Consider **claim 1**. Chen discloses:

communicating data to plural mobile stations over a wireless link (**see [0031] and fig. 1**); and

sending a broadcast message to the plural mobile stations, the broadcast message containing an indication for indicating to the plural mobile stations that the mobile stations are to change data rates for transmissions over a reverse wireless link, wherein the broadcast message further includes a particular data rate that is to be used by the plural mobile stations over the reverse wireless link (**see [0062], where Chen discusses indicating maximum data rate for remote terminals in a cellular communication system**).

Consider **claims 12 and 23**. Chen teaches claims 1 and 20, and further discloses changing data rates for transmissions back to the base station (see [0062]).

Claims 20 and 26 claim the mobile station and the base station, respectively, to perform the method of claim 1; therefore the same rejection rationale applies.

Consider **claim 24**. Chen teaches claim 20 and further discloses, wherein the reverse packet data channel is a code-division multiple access (CDMA) 2000 reverse packet data channel (R- PDCH) (see [0033] and [0062]).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2617

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. **Claims 2-10, 13, 15, 17-19, 21, 22, 25, 27, 28, and 29** are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen (US 20020151290 A1), hereafter "Chen," in view of Chen et al. (US Pat 7155236), hereafter "Chen et al."

Consider **claims 2, 3, 4, 7, 15, 27, 28, and 29**. Chen teaches claim 1 and further discloses a CDMA system (see [0027] and [0062]), but is silent regarding grant messages.

Chen et al., in analogous art, disclose grant message on grant message channel on a CDMA system (see col. 10 lines 62-67; col. 12 lines 3-6; col. 20 lines 22-28; col. 27 lines 38-52).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the invention of Chen with the teachings of Chen et al. and have it include grant message, for the purpose of providing scheduling reverse link data transmission for generation in a mobile station or base station.

Consider **claims 5 and 6**. Chen, as modified by Chen et al., teaches claim 4; and Chen et al. further disclose MAC ID settings (see col. 28 Lines 3-4).

Consider **claim 8**. Chen, as modified by Chen et al., teaches claim 7; and Chen et al. further disclose a shared resources system and mobile ID assignment (see Abstract; col. 1 Lines 45-50).

Consider **claim 10**. Chen discloses:

a method for use in a wireless communications network, comprising:

communicating data to plural mobile stations over a wireless link (**see [0031] and fig. 1**); and

further sending a broadcast message to the plural mobile stations, the broadcast message containing an indication for indicating to the plural mobile stations that the mobile stations are to change data rates for transmissions over a reverse wireless link (**see [0062]**), but is silent regarding wherein sending the broadcast message to the plural mobile stations comprises sending the broadcast message to cause the plural mobile stations to set respective data rates to a value less than or equal to an

Art Unit: 2617

autonomous data rate of each of the corresponding mobile stations, wherein the autonomous data rate is useable by the corresponding mobile station operating in autonomous mode in which the corresponding mobile station is able to transmit data over the reverse wireless link without being scheduled.

Chen et al., in analogous art, suggests the aforesaid limitation (**see Title; col. 1 lines 17-20; col. 13 lines 45-51 and 66-67; figs. 5, 7, 8, where Chen et al. disclose autonomous transmitting mode**).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the invention of Chen with the teachings of Chen et al. and have it include autonomous transmitting mode, for the purpose of providing efficient transmission scheduling and coordination as well as reducing system loading allocated to such coordination, as discussed by Chen et al. (see col. 2 lines 41-49).

Claim 13 claims an article that performs operations similar to the method of claim 10; therefore, the same rejection rationale applies.

Consider **claim 15**. Chen, as modified by Chen et al., teaches claim 13; and Chen further suggests wherein sending the grant message comprises sending the grant message on a forward grant channel (F-GCH) in a code-division multiple access (CDMA) 2000 wireless communications network (see [0033] and [0062]).

Consider **claim 17**. Chen, as modified by Chen et al., teaches claim 13; and Chen further suggests wherein sending the grant message containing the broadcast indication is for assigning a particular data rate to each of the plural mobile stations, the

particular data rate relating to transmissions of packet data over respective reverse channels (see [0062]).

Consider **claim 18**. Chen, as modified by Chen et al., teaches claim 13; and Chen further suggests wherein sending the grant message containing the broadcast indication is for indicating to the plural mobile stations that the mobile stations are to change data rates for transmissions of packet data over respective reverse channels (see [0062]).

Consider **claim 19**. Chen, as modified by Chen et al., teaches claim 13; and Chen further suggests, wherein sending the grant message containing the broadcast indication is for incrementing or decrementing data rates of the plural mobile stations for transmissions of packet data over respective reverse channels (see [0062]).

Claim 21 claims the mobile station to perform the method of claim 10; therefore, the same rejection rationale applies.

Consider **claim 22**. Chen, as modified by Chen et al., teaches claim and 21; and Chen et al. further discloses autonomous transmitting mode (see col. 1 lines 17-20; col. 13 lines 45-51 and 66-67; figs. 5, 7, 8).

Consider **claim 25**. Chen teaches claim 20, but does not disclose a shared resources system and mobile ID assignment.

Chen, in related art, discloses a shared resources system and mobile ID assignment (see Chen: Abstract; col. 1 Lines 45-50).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the invention of Chen with the teachings of Chen et al.

Art Unit: 2617

and have it include a shared resources system and mobile ID assignment, for the purpose of improving system capacity.

Conclusion

Any response to this Office Action should be **faxed to** (571) 273-8300 **or mailed to:**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Amancio González, whose telephone number is (571) 270-1106. The Examiner can normally be reached on Monday-Thursday from 8:00am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Dwayne Bost, can be reached at (571) 272-7023. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

Art Unit: 2617

have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

/Amancio Gonzalez/
Examiner, Art Unit 2617
July 18, 2011